REMARKS

Applicant's duly note the Examiner's statements with respect to the breadth of the prior claim wording "fibrous media", and have amended the claims. Reconsideration is respectfully requested.

With respect to the Examiner's statements regarding the claim of priority of the present application to earlier applications, Applicant believes all requirements under 35 U.S.C. 119(e) and 120 are met by the present claims. The claims as presently amended delete prior specific reference to "fibrous media" and are now expressly directed to use of an automated and cooperative sample repository system comprising *inter alia* samples stored on DNA-immobilizing paper.

Support for the claimed feature of DNA-immobilizing paper in the automated repository is found in the present specification, as well as parent application Ser. No. 09/632,539, at page 27, line 7 through line 9, where specific reference is made to the incorporation by reference of Provisional Application U.S. 60/161,694, filed October 26, 1999. This incorporation by reference, and the description of use of paper in an automated selective sample repository is disclosed within the Provisional Application U.S. 60/161,694, filed October 26, 1999, for example at page 5 , line 11 through 15. This disclosure was expressly incorporated by reference at page 1, and again at page 27, line 9 of the present specification as part of the disclosure of the present claimed method.

The support of claim features through incorporation by reference is acceptable and must not be discounted, as established by *In re Haworth* 210 U.S.P.Q. 689 (CCPA 1981). Such support is not to be considered new matter, as set forth by *In re Hawkins* 179 U.S.P.Q. 157 (CCPA 1973). Applicant respectfully asserts the present specification properly employs incorporation by reference. The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed. M.P.E.P 2163.07(b).

It is therefore respectfully requested the objection to the claim for priority under 35 U.S.C. 119(e) and 120 be removed, as support for the presently amended claims is found in the prior applications, filed Aug. 4, 2000 and Oct. 26, 1999, either or both to which priority is presently claimed.

Applicant's acknowledge the withdrawal of the prior rejection under 35 U.S.C. 102(e)(2)

Turning now to the specific rejection under 35 U.S.C. 103, it is firstly respectfully stated that the cited Hodge reference (6,977,178) is not properly prior art to the present application priority filing dates of August 4, 2000 and October 26, 1999, and accordingly the rejection under 35 U.S.C. 103 should be removed.

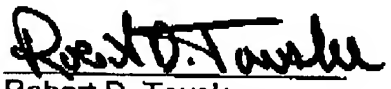
Moreover, even though not properly prior art to the present application, Hodge does not disclose or suggest the presently claimed invention which is directed to an archive sample system. Hodge does not disclose or suggest an automated archive repository system combining corresponding medical information and remote query for automated retrieval of archived samples stabilized on DNA-immobilizing paper, and clearly Hodge would be operable as such a storage archive.

Burgoyne (5,807,527) indeed discloses a solid paper medium for storage of DNA, and is directed to the DNA-immobilizing aspects of such a medium. However, there is no teaching or suggestion in Burgoyne of the automated archive system and methods which are specifically claimed in the present application. Moreover, Burgoyne is not properly combinable in a rejection under 35 U.S.C.103 with Hodge, due to the priority date of Hodge, and for the reasons set forth above.

Thus, it is respectfully asserted the present claims are patentable, and the cited references, even though Hodge is not properly prior art to the amended claims, do not disclose, nor suggest the presently claimed invention. Indeed none of the prior art, alone or in any reasonable combination, would be operable as the invention presently claimed.

If the Examiner believes that a telephone conference with the undersigned would expedite passage of the present claims and patent application to allowance and issue, they are cordially invited to call the undersigned at the number below.

Respectfully submitted,



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